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February 7, 2000

BY HAND DELIVERY

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A325
445 Twelfth Street, S.W.
Washington, D.C. 20554

RECEIVED

FEB - 7 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re:

In the Matter of

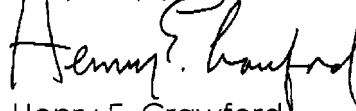
Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Burnet and Evant, Texas
MM Docket No. 99-358; RM-9783

Dear Ms. Salas:

Transmitted herewith on behalf of Evant Radio Company are an original and four (4) copies of its "Comments and Counterproposal" as directed to the Chief, Allocations Branch.

Should any additional information be required, please contact this office.

Very truly yours,



Henry E. Crawford
Counsel for
Evant Radio Company

cc: Kathleen Scheuerle

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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In the Matter of
Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Burnet and Evant, Texas

MM Docket No. 99-358

RM-9783

To: The Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS AND COUNTERPROPOSAL

Evant Radio Company ("Evant Radio"), by counsel, pursuant to 47 CFR §1.415, respectfully submits its *Comments and Counterproposal* in response to the Notice of Proposed Rule Making ("**NPRM**") released on December 17, 1999, by the Chief, Allocations Branch. In support thereof, the following is stated:

I. INTRODUCTION

1. On September 30, 1999, Elgin FM Limited Partnership ("Elgin FM"), initiated this proceeding by filing of a Petition for Rule Making requesting that the Commission allot Channel 240A to Burnet, Texas, as Burnet's third local FM service.

2. The **NPRM** was released on December 17, 1999. The **NPRM** set February 7, 2000, as the date for filing comments and February 22, 2000, as the deadline for filing reply comments.

II. ARGUMENT

A. The Counterproposal

3. At this time, Evant Radio seeks to counter-propose the allotment of Channel 241A to the community of Evant, Texas rather than assigning 240A to Burnet, Texas as proposed by the NPRM. The Evant Radio counterproposal can be represented as follows:

| City | Present | Proposed |
|-------|---------|----------|
| Evant | -- | 241A |

4. As indicated in the attached Engineering Statement (attached hereto as Exhibit 1), Channel 241A can be assigned to Evant in complete compliance with the Commission's distance separation requirements as contained in 47 CFR §73.207. The reference coordinates contained in this counterproposal: 31-27-33 N 98-10-18 W will fully meet the Commission's city grade coverage requirements. Moreover, there is sufficient area available for placing an appropriate transmitter. In view of the above, the instant counterproposal is in complete compliance with the Commission's rules. See 47 CFR §73.1675.

5. Evant is a city located in Coryell county, Texas (population: 65,300). According to the 1990 Census, Evant has a population of 444 persons. At present, Evant is not receiving community service from any aural service.

B. Preferential Arrangement Of Allotments

6. Adoption of the Evant Radio counterproposal would result in a preferential arrangement of allotments consistent with criteria set out in Revision

of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992) ("FM Assignment Policies"):

- (1) First full-time aural service;
 - (2) Second full-time aural service;
 - (3) First local service; and
 - (4) Other public interest matters.
- [Co-equal weight given to priorities (2) & (3)].

In considering the above criteria, it is noted that the proposal advanced by Elgin FM would only create a third local FM service. On the other hand, in accordance with factor number three (3), the Evant Radio proposal would provide Evant with a first local transmission service. Therefore, under the Commission's long held allotment criteria, the new service proposed by Evant Radio presents a superior arrangement of allotments than the existing service proposed in the NPRM.

C. Commitment to Construct

7. If the Commission assigns Channel 241A to Evant, Texas, Evant Radio will apply for a construction permit and will construct a new facility upon award of that permit.

III. CONCLUSION

8. The allotment of Channel 241A to Evant, Texas will bring a new first local service to the community of Evant. This allotment has a higher allotment priority than the Elgin FM proposal. Therefore, the Commission should allot Channel 241A to Evant, Texas.

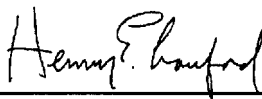
WHEREFORE, in accordance with the above, Evant Radio Company respectfully requests that Channel 241A be assigned to Evant, Texas.

February 7, 2000

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Respectfully Submitted,

Evant Radio Company

By: 
Henry E. Crawford
Its Attorney

Evant Radio Company
Comments and Counterproposal
February 7, 2000

EXHIBIT 1

Evant Radio Company

COMMENTS AND COUNTERPROPOSAL

MM Docket 99-358

FM Channel 241A

Evant, Texas

(c) 2000

F. W. Hannel, PE

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STATE OF ILLINOIS)
) SS:
COUNTY OF PEORIA)

F. W. Hannel, after being duly sworn upon oath,
deposes and states:

He is a registered Professional Engineer, by
examination, in the State of Illinois;

He is a graduate Electrical Engineer, holding Bachelor
of Science and Master of Science degrees, both in Electrical
Engineering;

His qualifications are a matter of public record and
have been accepted in prior filings and appearances requiring
Scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him
personally or under his supervision and direction and;

The facts stated herein are true, correct, and
complete to the best of his knowledge and belief.

February 7, 2000



F. W. Hannel, P.E.

F. W. Hannel, PE
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Scottsdale, AZ 85259
480) 585-7475
Fax (815) 327-9559
<http://fwhannel.com>

Evant Radio Company

COMMENTS AND COUNTERPROPOSAL

MM Docket 99-358

FM Channel 241A

Evant, Texas

ENGINEERING STATEMENT

This firm has been retained by Evant Radio Company to prepare this engineering statement in support of its Counterproposal in this proceeding. The NPRM, issued on December 17, 1999, proposed the allotment of FM Channel 240A to the community of Elgin, Texas, as that community's third aural service. As a counterproposal in this proceeding, Evant Radio Company is proposing the allotment of FM Channel 241A to Evant, Texas, as that community's first local aural service.

This counterproposal seeks the assignment of FM Channel 241A to the community of Evant, Texas, as a first local aural service to that community. Evant has a population of 444 persons according the latest Census data, and is located in Coryell County which has a population of 65,300 persons, according to the Rand McNally Commercial Atlas. The community is fully qualified to receive a first local aural service under the Commission's allotment criteria.

The community of Evant, Texas, is located at US Atlas geographic co-ordinates N31-28-33, W98-09-05, and a sample transmitter site located at geographic co-ordinates N31-27-33, W98-10-18, will fully comply with the Commission's minimum mileage separation requirements as well as the city grade coverage requirements. The sample site is 1.6 miles, (2.7 kilometers), southwest of Evant and a transmitter operating from this allotment site will fully illuminate the entire community with the required 70 dbu signal. Attached as Exhibit E-1 is an FM Channel Study which demonstrates that the proposed allotment fully satisfies the Commission's minimum mileage separation requirements.

In view of the foregoing, it is requested that the FM Table of Allotments be amended as follows:

| Community | Present | Proposed |
|--------------|---------|----------|
| Evant, Texas | ----- | 241A |

The changes outlined in this Counterproposal clearly serve the public interest that is superior to the proposal as contained in the Notice of Proposed Rulemaking. In the published proposal, a third aural service is sought for Burnet, Texas, a proposal which merely augments existing service at that community. In contrast, this Counterproposal seeks the addition of a first service to a qualified community and should be granted over the proposal to simply augment existing service.

Evant Radio Company

FM Channel Study

FM Channel 241A

N31-27-33

W98-10-18

Exhibit E-1

| CALL | CITY | ST | CHN | CL | S | DIST | SEPN | BRNG | CLR |
|--------|-----------------|----|-----|----|---|-------|-------|--------|------|
| KCKR | Waco | TX | 238 | C | L | 95.1 | 95.0 | 85.9° | 0.0 |
| KCKR | Waco | TX | 239 | C2 | L | 93.0 | 55.0 | 86.2° | 38.0 |
| ALC | Burnet | TX | 240 | A | A | 68.4 | 72.0 | 189.7° | -3.6 |
| ALC | Mineral Wells | TX | 240 | C1 | V | 135.9 | 133.0 | 0.5° | 2.9 |
| KYXSFM | Mineral Wells | TX | 240 | C1 | A | 133.1 | 133.0 | 0.5° | 0.1 |
| ALC | Winters | TX | 241 | C2 | U | 182.9 | 166.0 | 297.2° | 16.9 |
| ALC | San Antonio | TX | 241 | C1 | U | 207.1 | 200.0 | 192.3° | 7.1 |
| FA USE | College Station | TX | 241 | C2 | A | 185.3 | 166.0 | 114.8° | 19.3 |
| KATX | Winters | TX | 241 | C2 | C | 182.9 | 166.0 | 297.2° | 16.9 |
| KXXM | San Antonio | TX | 241 | C1 | L | 207.1 | 200.0 | 192.3° | 7.1 |
| ALC | Llano | TX | 242 | A | V | 84.7 | 72.0 | 214.8° | 12.7 |
| ALC | Fort Worth | TX | 242 | C | U | 168.6 | 165.0 | 42.1° | 3.6 |
| KLTO | Menard | TX | 242 | C2 | A | 142.2 | 106.0 | 251.9° | 36.2 |
| KSCS | Fort Worth | TX | 242 | C | L | 169.2 | 165.0 | 42.3° | 4.2 |
| NEW | Llano | TX | 242 | A | A | 93.7 | 72.0 | 204.0° | 21.7 |
| ALC | Georgetown | TX | 244 | C1 | U | 101.3 | 75.0 | 152.8° | 26.3 |

All Distances in Kilometers

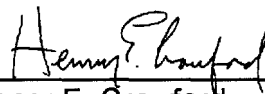
CERTIFICATE OF SERVICE

I, Henry E. Crawford, do hereby certify that copies of the foregoing
Comments and Counterproposal have been served by United States mail,
postage prepaid this 7th day of February, 2000 upon the following:

*Kathleen Scheuerle
Allocations Branch, Mass Media Bureau
Federal Communications Commission
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Washington, D.C. 20554

Ann C. Farhat
Bechtel & Cole, Chartered
1901 L Street, NW
Suite 250
Washington DC 20036
Counsel for Elgin FM Limited Partnership

*Hand Delivered



Henry E. Crawford